

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE

BAYER INTELLECTUAL PROPERTY)	
GMBH, BAYER PHARMA AG, and)	
JANSSEN PHARMACEUTICALS, INC.,)	
)	
Plaintiffs,)	
)	
v.)	C.A. No. 15-902 (LS)
)	CONSOLIDATED
AUROBINDO PHARMA LIMITED,)	
AUROBINDO PHARMA USA, INC.,)	
BRECKENRIDGE PHARMACEUTICAL,)	
INC., INVAGEN PHARMACEUTICALS, INC.,)	
MICRO LABS LTD., MICRO LABS USA)	
INC., MYLAN PHARMACEUTICALS INC.,)	
PRINSTON PHARMACEUTICAL INC.,)	
SIGMAPHARM LABORATORIES, LLC,)	
TORRENT PHARMACEUTICALS, LIMITED,)	
and TORRENT PHARMA INC.)	
)	
Defendants.)	

JOINT MOTION FOR ENTRY OF JUDGMENT

Plaintiffs Bayer Intellectual Property GmbH, Bayer Pharma AG, and Janssen Pharmaceuticals, Inc. (collectively, “Plaintiffs”) and Defendant Breckenridge Pharmaceutical, Inc. (“Breckenridge”) jointly move for entry of final judgment in this action, according to the terms and for the reasons set forth below:

1. In this consolidated action for patent infringement, Plaintiffs have alleged that the filing by Breckenridge of Abbreviated New Drug Application (“ANDA”) 208220 seeking approval to market generic versions of Plaintiffs’ anticoagulant XARELTO[®] infringed U.S. Patent No. 7,157,456 (“the ’456 patent”).

2. On April 24, 2017, Plaintiffs and Breckenridge jointly stipulated and agreed to stay this action as between Plaintiffs and Breckenridge, and for an order that Breckenridge be

bound by any final judgment, including any injunction, rendered in this consolidated action as to any other Defendant or Defendants after actual litigation on the merits. *See* D.I. 219. The Court approved the stipulation in an order issued the same day. *See* D.I. 222.

3. This Court entered final judgment in favor of Plaintiffs against Defendants Mylan Pharmaceuticals Inc. and Sigmapharm Laboratories, LLC on July 13, 2018, following a four day bench trial. *See* D.I. 318.

Accordingly, for the foregoing reasons, and consistent with the parties' joint Stipulation, Plaintiffs and Breckenridge jointly request entry of final judgment in favor of Plaintiffs and against Breckenridge in the form reflected in the attached proposed order. Breckenridge and Plaintiffs retain the right to file an appeal from the final judgment by the District Court in the Action and to challenge on appeal its merits.

MORRIS, NICHOLS, ARSHT & TUNNELL LLP

/s/ Derek J. Fahnestock

OF COUNSEL:

Bruce R. Genderson
Adam L. Perlman
Dov P. Grossman
Steven M. Pyser
Alexander S. Zolan
Martha C. Kidd
Kathryn S. Kayali
WILLIAMS & CONNOLLY LLP
725 Twelfth Street NW
Washington, DC 20005
(202) 434-5000

Jack B. Blumenfeld (#1014)
Rodger D. Smith II (#3778)
Derek J. Fahnestock (#4705)
1201 North Market Street
P.O. Box 1347
Wilmington, DE 19899
(302) 658-9200
jblumenfeld@mnat.com
rsmith@mnat.com
dfahnestock@mnat.com

*Attorneys for Plaintiffs Bayer Intellectual
Property GmbH, Bayer Pharma AG, and
Janssen Pharmaceuticals, Inc.*

*Attorneys for Plaintiffs Bayer Intellectual
Property GmbH and Bayer Pharma AG*

David T. Pritikin
SIDLEY AUSTIN LLP
One South Dearborn
Chicago, IL 60603
(312) 853-7000

Bindu Donovan
S. Isaac Olson
Todd L. Krause
SIDLEY AUSTIN LLP
787 Seventh Avenue
New York, NY 10019
(212) 839-5300

*Attorneys for Plaintiff Janssen
Pharmaceuticals, Inc.*

September 5, 2018

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE

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PRINSTON PHARMACEUTICAL INC.,)	
SIGMAPHARM LABORATORIES, LLC,)	
TORRENT PHARMACEUTICALS, LIMITED,)	
and TORRENT PHARMA INC.)	
)	
Defendants.)	

PROPOSED ORDER AND FINAL JUDGMENT

Upon the Joint Motion of Plaintiffs Bayer Intellectual Property GmbH, Bayer Pharma AG, and Janssen Pharmaceuticals, Inc. (collectively, “Plaintiffs”), and Breckenridge Pharmaceutical, Inc. (“Breckenridge”) for Entry of Final Judgment, IT IS HEREBY ORDERED that:

1. The stay of this action as between Plaintiffs and Breckenridge is LIFTED.
2. The drug product that is the subject of Breckenridge’s Abbreviated New Drug Application (“ANDA”) No. 208220 (including any amendments or supplements thereto) infringes claim 16 of U.S. Patent No. 7,157,456 (“the ’456 patent”).
3. Claim 16 of the ’456 patent is not invalid due to obviousness.

4. Pursuant to 35 U.S.C. § 271(e)(4)(A), the effective date of any Food and Drug Administration approval of Breckenridge's ANDA No. 208220 shall be a date not earlier than the expiration of the '456 patent (August 28, 2024), as well as any applicable extensions and exclusivities.

5. Final judgment is hereby entered:

- a. In favor of Plaintiffs Bayer Intellectual Property GmbH, Bayer Pharma AG, and Janssen Pharmaceuticals, Inc. ("Plaintiffs") and against Breckenridge on Plaintiffs' claim of infringement of claim 16 of the '456 patent; and
- b. In favor of Plaintiffs and against Breckenridge on Breckenridge's counterclaim seeking a declaratory judgment of invalidity with respect to the '456 patent.

6. Breckenridge and Plaintiffs retain the right to file an appeal from the final judgment by the District Court in the Action and to challenge on appeal its merits.

U.S.D.J.

CERTIFICATE OF SERVICE

I hereby certify that on September 5, 2018, I caused the foregoing to be electronically filed with the Clerk of the Court using CM/ECF, which will send notification of such filing to all registered participants.

I further certify that I caused copies of the foregoing document to be served on September 5, 2018, upon the following in the manner indicated:

John C. Phillips, Jr., Esquire
Megan C. Haney, Esquire
PHILLIPS, GOLDMAN, McLAUGHLIN
& HALL, P.A.
1200 North Broom Street
Wilmington, DE 19806
*Attorneys for Defendant Breckenridge
Pharmaceutical Inc.*

VIA ELECTRONIC MAIL

Matthew L. Fedowitz, Esquire
B. Jefferson Boggs, Jr., Esquire
MERCHANT & GOULD
1701 Duke Street, Suite 310
Alexandria, VA 22314
*Attorneys for Defendant Breckenridge
Pharmaceutical Inc.*

VIA ELECTRONIC MAIL

Christopher J. Sorenson, Esquire
MERCHANT & GOULD
3200 IDS Center
80 South Eighth Street
Minneapolis, MN 55402
*Attorneys for Defendant Breckenridge
Pharmaceutical Inc.*

VIA ELECTRONIC MAIL

Robert Vroom, Esquire
Bruce D. DeRenzi, Esquire
BRECKENRIDGE PHARMACEUTICAL INC.
60 East 42nd Street, Suite 5210
New York, NY 10165
*Attorneys for Defendant Breckenridge
Pharmaceutical Inc.*

VIA ELECTRONIC MAIL

/s/ Derek J. Fahnestock

Derek J. Fahnestock (#4705)